

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROY NELSON, et al.,
Plaintiffs,

v.

CITY OF HAYWARD, et al.,
Defendants.

Case No. 16-cv-07222-SK

CONDITIONAL DISMISSAL

Regarding Docket No. 124

On July 23, 2019, the parties filed a stipulation indicating that they have reached a settlement of this matter. (Dkt. 119.) The Court vacated all dates and ordered the parties to submit a status report regarding their progress toward finalizing their settlement no later than October 11, 2019. (Dkt. 123.) The parties timely filed a status report indicating that the terms of their agreement have been finalized and payment is currently being processed by the City of Hayward. (Dkt. 124.) The parties expect the funds to be deposited and Plaintiffs intend to file for dismissal with prejudice within 60 days. (*Id.*) Therefore, it is **HEREBY ORDERED** that this cause of action is dismissed **without** prejudice; provided, however, that if any party hereto shall certify to this Court, within sixty days, with proof of service thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial. If no certification is filed, after passage of sixty days, the dismissal shall be **with** prejudice.

IT IS SO ORDERED.

Dated: October 9, 2019



SALLIE KIM
United States Magistrate Judge